REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-11 remain in the application.

In item 4 on pages 2-9 of the Office action, claims 1-11 have been rejected as being obvious over Harmon et al. (US Pat. No. 5,361,198) in view of Eryurek et al. (US Pat. No. 6,119,047) and further in view of Lang (US Pat. No. 5,745,539) and further in view of Boyce et al. (US Pat. No. 5,392,879) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 7 call for, inter alia:

> a terminal for connecting to a control system for operating tasks and a control system for safety tasks, commands from the control system for safety tasks having priority over commands from the control system for operating tasks;

a microprocessor for processing the commands from both the control system for operating tasks and the control system for safety tasks, said microprocessor coupled to said terminal;

a logic circuit for prioritizing the commands from the control system for safety tasks, said logic circuit connected to said microprocessor;

at least one output coupled to at least one of said microprocessor and said logic circuit;

an interface for connecting to one of the control system for operating tasks and a diagnostic device, said interface connected to said microprocessor; and

a memory for storing the commands and replies, said memory connected to said microprocessor;

said microprocessor and said logic circuit connected in parallel with respect to an incoming data stream.

Claim 8 calls for, inter alia:

providing a control device having two manual control stations being separate from one another, and a module connected to each of the two manual control stations, the module containing:

a terminal for connecting to a control system for operating tasks and a control system for safety tasks, commands from the control system for safety tasks having priority over commands from the control system for operating tasks;

a microprocessor for processing the commands from both the control system for operating tasks and the control system for safety tasks, the microprocessor connected to the terminal;

a logic circuit for prioritizing the commands from the control system for safety tasks, the logic circuit connected to the microprocessor, the logic circuit and the microprocessor connected in parallel with respect to an incoming data stream;

at least one output coupled to at least one of the microprocessor and the logic circuit;

an interface for connecting to one of the control system for operating tasks and a diagnostic device, the interface connected to the microprocessor; and

a memory for storing the commands and replies, the memory connected to the microprocessor; and

indicating a state of the drive in both of the two manual control stations.

In view of the Examiner's argumentation in the above-mentioned final Office action, Applicants would like to point out that, even according to the Examiner's assessment, it requires four (4) references in combination with each other to lead to the subject matter of the invention of the instant application. The number of the references, however, indicates the opposite conclusion, namely, that the subject matter of the invention of the instant application is not made obvious by the state of the art. The Examiner has arbitrarily assigned individual features to the disclosure passages in the references. No hint or suggestion could be taken from the references as to why a person skilled in the art should combine the features specifically mentioned therein with each other in the specific manner. Therefore, the Examiner's evaluation of the state of the art is based on a retrospective view and does not provide support for the alleged obviousness.

Applicants especially emphasize that the subject matter of the invention of the instant application does not solely lie in

the individual components of the control module, but also in their relation to each other with regard to circuitry. For example, it must be specifically pointed out that it is not just any arbitrary microprocessor, which is connected in parallel on the data stream side to any arbitrary logic circuit, but that it is exactly the logic circuit, which is provided for the assignment and allocation of the priority of the commands. In other words: according to the invention of the instant application, it is important which microprocessor and which logic circuit are to be connected in parallel on the data stream side. It is not evident how far a person skilled in the art would recognize, by combining the cited references, on which components of the systems provided respectively therein, the concept, which could possibly be taken from Boyce et al., of connecting the microprocessor in parallel with the logic circuit, could be suitable or even employed in a promising way.

In summary, the subject matter of the invention of the instant application is not made obvious by the mere enumeration of the cited references, since, on the one hand, the required combination of four (4) references speaks for the presence of inventive activity, and, on the other hand, even when viewing the four (4) cited references in combination with each other, a person skilled in the art can only understand the concept of

the invention of the instant application, namely which components must be connected with each other in which way, after having knowledge of the invention of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 7-8. Claims 1 and 7-8 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 8, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants

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